

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CARMEN L. CLARK,

Plaintiff,

v.

ERIC YOUNG; MISTY YOUNG,

Defendant.

CASE NO. 3:23-cv-5369

ORDER TO SHOW CAUSE

The Court raises this matter sua sponte.

On May 4, 2023, Plaintiff Carmen L. Clark filed the Complaint initiating this litigation. Dkt. No. 4. Since then, Clark has submitted no proof to the Court that the Complaint has been served on Defendants. *See* Dkt. Additionally, a summons has not issued from the clerk of court. *Id.* So it is reasonable to assume that proper service of the complaint and summons has not occurred.

Rule 4 of the Federal Rules of Civil Procedure provides the requirements governing service of a complaint and summons on defendants. *See* Fed. R. Civ. P. 4. Under Rule 4(m), plaintiffs must serve defendants with a copy of the complaint and a signed, sealed copy of the summons within 90 days of filing the complaint. Fed. R. Civ.

1 P. 4(m). To obtain a signed, sealed copy of the summons, the plaintiff must submit a  
2 properly completed form summons to the clerk of court on or after filing the complaint.  
3 Fed. R. Civ. P. 4(a), (b). Absent good cause, a district court may dismiss an action for a  
4 plaintiff's failure to make proper service of the complaint and signed, sealed summons  
5 on the defendant within 90 days. Fed. R. Civ. P. 4(m).

6 In addition, LCR 41(b)(1) states that "[a]ny case that has been pending in this  
7 court for more than nine months without any proceeding of record having been taken  
8 may be dismissed by the court on its own motion for lack of prosecution." There has  
9 been no proceeding of record in this matter for over a year.

10 Accordingly, Clark must submit a short statement, not to exceed six (6) pages,  
11 explaining why this case should not be dismissed for failure to effect service of process  
12 and to otherwise act on her case. The Court ORDERS Clark to file a Response to this  
13 Order to Show Cause no later than thirty (30) days from the date of this Order. Failure  
14 to file a response will result in dismissal of Clark's action.

15 The Clerk is directed to place this Order to Show Cause on the Court's  
16 calendar for 30 days from the date of this Order.

17 It is so ORDERED.

18 Dated this 5th day of September, 2024.

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21 Jamal N. Whitehead  
22 United States District Judge  
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